

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

April 18, 2012  
6:00 P.M.

Mayor Michael W. Tucker called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, McCaffrey, Fogle, Schrader, and Genewick.

**RECESS**

Recess for public input.

**041812.1**

**APPROVAL OF MINUTES**

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of April 4, 2012 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

4/9/12            Gerald R. DeFlippo, 320 West Avenue, Lockport, NY – re-appointed as a member of the Housing Authority. Said term expires April 26, 2017.  
Received and filed.

**FROM THE CITY CLERK**

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments. Referred to the Finance Committee.

**Communications** (which have been referred to the appropriate City officials)

**Notice of Defect:**

4/9/12            389 Pine Street, Lockport, NY – tree  
4/11/12          578 Locust Street, Lockport, NY – tree  
4/17/12          52 Alexander Street, Lockport, NY – tree  
Referred to the Director of Engineering.

**Notice of Claim:**

4/10/12          Michael R. Weekes, 563 Richmond Avenue, Right Rear, Buffalo, NY  
Referred to the Corporation Counsel.

## **MOTIONS & RESOLUTIONS**

### **041812.2**

By Alderman Genewick:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on April 20, 2012.

Seconded by Alderman Lombardi and adopted. Ayes 6.

### **041812.3**

By Alderman Genewick:

Resolved, that claims authorized for payment by the Director of Planning and Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman McCaffrey and adopted. Ayes 6.

### **041812.4**

By Alderman Lombardi:

Resolved, that pursuant to her request, Stephanie Sherman is hereby granted permission to conduct a fundraising event to benefit the Relay for Life in front of City Hall on Tuesday, May 8, 2012.

Seconded by Alderman Fogle and adopted. Ayes 6.

### **041812.5**

By Alderman Kibler:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Franklin W. Rose, a City of Lockport crossing guard who recently passed away.

Seconded by Alderman Schrader and adopted. Ayes 6.

### **041812.6**

By Alderman Kibler:

Resolved, that pursuant to their request, the Lockport Midget Baseball League is hereby granted permission to use the baseball diamonds at Outwater and Kibler Parks during the 2012 season subject to approval of the schedule by the Highways & Parks Department and subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Genewick and adopted. Ayes 6.

### **041812.7 (WITHDRAWN – Amend noise ordinance)**

### **041812.8**

The following ordinance was offered by Alderman Genewick, who moved its adoption, seconded by Alderman Schrader, to-wit:

BOND ORDINANCE DATED APRIL 18, 2012.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$2,674,262 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY COST OF VARIOUS OBJECTS OR PURPOSES IN AND FOR SAID CITY.

By Alderman Lombardi:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman Schrader and adopted. Ayes 6.

BE IT ORDAINED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. For the object or purpose of paying the cost of various capital improvements and items in and for the City of Lockport, Niagara County, New York, there are hereby authorized to be issued \$2,674,262 serial bonds of said City pursuant to the provisions of the Local Finance Law, apportioned as set forth below:

- a) The purchase of equipment for construction and maintenance purposes, each item of which is \$30,000 or more, including incidental equipment and expenses, at a maximum estimated cost of \$771,000, which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$771,000 serial bonds of the \$2,674,262 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 15 years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law; and
- b) The purchase of equipment for construction and maintenance purposes, each item of which is over \$15,000 but less than \$30,000, including incidental equipment and expenses, at a maximum estimated cost of \$73,681, which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$73,681 serial bonds of the \$2,674,262 serial bonds authorized to be issued therefor pursuant to this bond resolution. It is hereby determined that the period of probable

usefulness of the aforesaid class of objects or purposes is 10 years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law.

- c) The purchase of equipment for construction and maintenance purposes, each item of which is \$15,000 or less, including incidental equipment and expenses, at a maximum estimated cost of \$77,700, which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$77,700 serial bonds of the \$2,674,262 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 5 years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law; and
- d) The purchase of a fire-fighting vehicle for the Fire Chief, including incidental equipment and expenses, at a maximum estimated cost of \$26,681, which specific object or purpose is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$26,681 serial bonds of the \$2,674,262 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 10 years, pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law; and
- e) The lining of storm sewers and sewage treatment tanks and related work, including incidental improvements, equipment and expenses, at a maximum estimated cost of \$600,000 which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$600,000 serial bonds of the \$2,674,262 serial bonds authorized to be issued therefor pursuant to this bond ordinance.

It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 15 years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law; and

- f) The purchase and installation of 911 emergency telephones and radio dispatch system components, including incidental equipment and expenses, at a maximum estimated cost of \$150,000 which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$150,000 serial bonds of the \$2,674,262 serial bonds authorized to be issued therefor pursuant to this bond ordinance.

It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 10 years, pursuant to subdivision 25 of paragraph a of Section 11.00 of the Local Finance Law; and

- g) The reconstruction of parks and recreational facilities, including incidental improvements, equipment and expenses, at a maximum estimated cost of \$250,000 which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$250,000 serial bonds of the \$2,674,262 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 15 years, pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law; and

- h) The reconstruction of the Municipal building elevator, including incidental equipment and expenses, at a maximum estimated cost of \$32,000 which specific object or purpose is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of

\$32,000 serial bonds of the \$2,674,262 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 10 years, pursuant to subdivision 13 of paragraph a of Section 11.00 of the Local Finance Law; and

- i) The purchase of equipment for Sewer Department, including incidental equipment and expenses, at a maximum estimated cost of \$79,200 which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$79,200 serial bonds of the \$2,674,262 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 30 years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law; and
- j) The replacement of Municipal Building telephone system, including incidental equipment and expenses, at a maximum estimated cost of \$42,000 which specific object or purpose is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$42,000 serial bonds of the \$2,674,262 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 5 years, pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law; and
- k) The construction of new ramp at Fire Station, including incidental improvements and expenses, at a maximum estimated cost of \$80,000 which specific object or purpose is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$80,000 serial bonds of the \$2,674,262 serial bonds authorized to be issued therefor

pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 15 years, pursuant to subdivision 20 (c) of paragraph a of Section 11.00 of the Local Finance Law; and

- l) The purchase of police vehicles, including incidental equipment and expenses, at a maximum estimated cost of \$164,000 which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$164,000 serial bonds of the \$2,674,262 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 3 years, pursuant to subdivision 72 of paragraph a of Section 11.00 of the Local Finance Law; and
- m) The purchase and installation of directional signage, including incidental equipment and expenses, at a maximum estimated cost of \$275,000 which class of objects or purposes is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$275,000 serial bonds of the \$2,674,262 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 5 years, pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law; and
- n) The construction of islands on Chesnut Street at the Ice Arena, including incidental improvements and expenses, at a maximum estimated cost of \$53,000 which specific object or purpose is hereby authorized at said maximum estimated cost. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$53,000 serial bonds of the \$2,674,262 serial bonds authorized to be issued therefor pursuant to this bond ordinance. It is hereby determined that the period of

probable usefulness of the aforesaid specific object or purpose is 10 years, pursuant to subdivision 24 of paragraph a of Section 11.00 of the Local Finance Law; and

Section 2. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 3. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes is hereby delegated to the City Treasurer, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 4. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 5. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.



Section 6. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Treasurer, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This ordinance, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Fogle	VOTING	Yes
Alderman Genewick	VOTING	Yes
Alderman Kibler	VOTING	Yes
Alderman Lombardi	VOTING	Yes
Alderman McCaffrey	VOTING	Yes
Alderman Schrader	VOTING	Yes

The ordinance was thereupon declared duly adopted.

**041812.9**

The following ordinance was offered by Alderman Genewick, who moved its adoption, seconded by Alderman Schrader, to-wit:

BOND ORDINANCE DATED APRIL 18, 2012.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$2,700,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OF ROOFS ON VARIOUS MUNICIPAL BUILDINGS, IN AND FOR SAID CITY.

By Alderman McCaffrey:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman Kibler and adopted. Ayes 6.

BE IT ORDAINED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. For the class of objects or purposes of paying the costs of the reconstruction of roofs on various municipal buildings and facilities, in and for the City of Lockport, Niagara County, New York, including incidental improvements and expenses in connection therewith, there are hereby

authorized to be issued \$2,700,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated of the aforesaid class of objects or purposes is hereby now determined to be \$2,850,000, which class of objects or purposes are hereby authorized at said maximum estimated cost, and the plan for the financing thereof is as follows: (a) by the issuance of the \$150,000 bonds of said City authorized to be issued pursuant to bond resolution dated and duly adopted October 5, 2011 for preliminary planning expenses in connection therewith, and (b) by the issuance of \$2,700,000 bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph (a) of Section 11.00 of the Local Finance Law, calculated from December 15, 2011, the date of issuance of the first obligation issued therefor. It is hereby further determined that the period of probable usefulness of the preliminary planning expenses authorized in bond resolution dated and duly adopted December 5, 2011 is now determined to be twenty five years pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief

fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Treasurer, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are

reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Fogle	VOTING	Yes
Alderman Genewick	VOTING	Yes
Alderman Kibler	VOTING	Yes
Alderman Lombardi	VOTING	Yes
Alderman McCaffrey	VOTING	Yes
Alderman Schrader	VOTING	Yes

The ordinance was thereupon declared duly adopted.

**041812.10**

The following ordinance was offered by Alderman Genewick, who moved its adoption, seconded by Alderman Schrader, to-wit:

BOND ORDINANCE DATED APRIL 18, 2012.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$2,625,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY COST OF THE DEMOLITION OF A PARKING GARAGE ON MAIN STREET, IN AND FOR SAID CITY AND CONSTRUCTION OF A NEW SURFACE LOT THEREAT.

By Alderman Fogle:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman Lombardi and adopted. Ayes 6.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Common Council has determined will not result in any significant environmental effects; NOW, THEREFORE,

BE IT ORDAINED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the demolition of a parking garage on Main Street and construction of a new surface lot thereat, in and for the City of Lockport, Niagara County, New York, incidental costs and expenses in connection therewith, there are hereby authorized to be issued \$2,625,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated of the aforesaid specific object or purpose is hereby determined to be \$2,625,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and the plan for the financing thereof is by the issuance of the \$2,625,000 bonds of said City authorized to be issued pursuant to this bond ordinance; **PROVIDED, HOWEVER,** that to the extent that any Federal or State grants-in-aid are received for such specific

object or purpose, the amount of bonds to be issued pursuant to this ordinance shall be reduced dollar for dollar.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 90 of paragraph (a) of Section 11.00 of the Local Finance Law, based upon subdivisions 12-a and 20-f thereof.

Section 4. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said City,

provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Treasurer, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.



Section 11. This ordinance, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Fogle	VOTING	Yes
Alderman Genewick	VOTING	Yes
Alderman Kibler	VOTING	Yes
Alderman Lombardi	VOTING	Yes
Alderman McCaffrey	VOTING	Yes
Alderman Schrader	VOTING	Yes

The ordinance was thereupon declared duly adopted.

#### **041812.11**

The following ordinance was offered by Alderman Genewick, who moved its adoption, seconded by Alderman Schrader, to-wit:

BOND RESOLUTION DATED APRIL 18, 2012.

A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF NEW WATER METERS IN AND FOR THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$600,000, AND AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OF SAID CITY TO PAY THE COST THEREOF.

By Alderman Kibler:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman McCaffrey and adopted. Ayes 6.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as

proposed, the Common Council has determined will not result in any significant environmental effects;  
NOW, THEREFORE,

BE IT ORDAINED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the purchase and installation of new water meters, including incidental expenses and improvements in connection therewith, in and for the City of Lockport, Niagara County, New York, is hereby authorized at a maximum estimated cost of \$600,000.

Section 2. It is hereby determined that the maximum estimated of the aforesaid class of objects or purposes is hereby determined to be \$600,000, which class of objects or purposes are hereby authorized at said maximum estimated cost, and the plan for the financing thereof is by the issuance of the \$600,000 bonds of said City authorized to be issued pursuant to the provision of this bond ordinance.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief

fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said City, including sale to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Treasurer, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Fogle	VOTING	Yes
Alderman Genewick	VOTING	Yes
Alderman Kibler	VOTING	Yes
Alderman Lombardi	VOTING	Yes
Alderman McCaffrey	VOTING	Yes
Alderman Schrader	VOTING	Yes

The ordinance was thereupon declared duly adopted.

**041812.11A**

By Alderman Genewick:

Whereas, notification has been received from NYS advising reimbursable amounts due from FEMA and NYS for wind damage incurred in the storm of April 28, 2011, and

Whereas, these monies were not budgeted as revenue in the 2011 budget and must be to expend the funds, and

Whereas, authorization for repairs was approved in resolution 030712.11, and be it further

Resolved, that the 2011 General Fund budget be amended as follows:

Increase:

Federal Revenues	account 4989	\$55,858
State Revenues	account 3989	\$ 9,310

Increase Appropriations:

Repairs	001-7185-0450-5002	\$11,315
Prof. Services	001-8730-0434-5001	\$28,700
Personnel	001-5110-0100	\$25,153

Seconded by Alderman Kibler and adopted. Ayes 6.

**041812.11B**

By Alderman Schrader:

WHEREAS, the City of Lockport , pursuant to Agreement dated December 17, 1969, and multiple amendments thereto, accepted sewage from the Town of Lockport sewage collector system, located in certain areas of the Town, and

WHEREAS, the City and Town entered into a new Agreement dated August 6, 2003, running from January 1, 2002 through December 31, 2006, and

WHEREAS, the City and Town entered into an extension of said Agreement dated August 6, 2003, running from January 1, 2007 through December 31, 2008, and

WHEREAS, the parties entered into a renewal of said Agreement for an additional period of two years through December 31, 2010, and

WHEREAS, the parties wish to renew said Agreement dated August 6, 2003 for an additional two years, now therefore be it

RESOLVED, that the Mayor be and is hereby authorized and directed to renew the August 6, 2003 sewer contract for a two year period from January 1, 2011 through December 31, 2012, for the sum of \$596,855.00 per year.

Seconded by Alderman McCaffrey and adopted. Ayes 6.

**041812.12****ADJOURNMENT**

At 6:18 P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, May 2, 2012.

Seconded by Alderman Fogle and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk